

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA**

Ethan Radvansky, <i>on behalf of himself and</i>	)	Case No.: 3:23-cv-00214-TCB
<i>others similarly situated,</i>	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Kendo Holdings, Inc., d/b/a Fenty Beauty,	)	
	)	
Defendant.	)	
_____	)	

**PLAINTIFF'S THIRD NOTICE OF SUPPLEMENTAL AUTHORITY IN  
SUPPORT OF HIS RESPONSE IN OPPOSITION TO DEFENDANT'S  
MOTION FOR JUDGMENT ON THE PLEADINGS**

1. On August 4, 2025, Kendo Holdings, Inc., d/b/a Fenty Beauty (“Defendant”) filed its memorandum in support of its motion for judgment on the pleadings, through which it contended that the Telephone Consumer Protection Act (“TCPA”) at “227(c) applies only to ‘calls’ and not text messages,” and that the TCPA “does not define telephone ‘call’ to include text messages.” ECF No. 43-1 at 14.

2. On September 18, 2025, Ethan Radvansky (“Plaintiff”) filed his response in opposition to Defendant’s motion for judgment on the pleadings, through which he argued that the TCPA at 47 U.S.C. § 227(c) applies to text messages, and that a text message qualifies as a call under the TCPA. *See* ECF No. 46 at 19-24.

3. On October 23, 2025, Defendant filed its reply in support of its motion for judgment on the pleadings. *See* ECF No. 49.

4. On November 10, 2025—following the Supreme Court’s decision in *McLaughlin Chiropractic Assocs., Inc. v. McKesson Corp.*, 606 U.S. 146 (2025), and after Plaintiff submitted his response in opposition to Defendant’s motion for judgment on the pleadings—the United States District Court for the Northern District of Illinois found “that the phrase ‘telephone call,’ as used in § 227(c), encompasses ‘text messages[.]’” *Mujahid v. Newity, LLC*, No. 25 C 8012, 2025 WL 3140725, at \*2 (N.D. Ill. Nov. 10, 2025).

5. In doing so, the Northern District of Illinois dispensed with a number of arguments Defendant includes in connection with its motion for judgment on the pleadings. *See id.* at \*1-3.

6. Plaintiff therefore submits the Northern District of Illinois's decision in *Mujahid* as supplemental authority in support of his response in opposition to Defendant's motion for judgment on the pleadings.

Date: November 11, 2025

/s/ Aaron D. Radbil

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